

ENTERED

May 04, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

HERBERT WALLACE,

Plaintiff.

V.

INDUSTRIAL TANK CLEANING
SERVICES, LLC, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:22-cv-00297

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**


On January 5, 2023, all pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 26. Judge Edison filed a memorandum and recommendation on March 13, 2023, recommending that Defendants Robin Richard and Audie Richard's Motion to Dismiss (Dkt. 17) be denied. *See* Dkt. 30.

No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record. Accordingly:

- (1) Judge Edison's memorandum and recommendation (Dkt. 30) is approved and adopted in its entirety as the holding of the court; and
- (2) Defendants Robin Richard and Audie Richard's Motion to Dismiss (Dkt. 17) is denied.

SIGNED on Galveston Island this 4th day of May, 2023.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE